

# CRS Report for Congress

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## **The Office of the Parliamentarian in the House and Senate**

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The House and the Senate each has an Office of the Parliamentarian to provide expert advice and assistance on questions relating to the meaning and application of that chamber's legislative rules, precedents, and practices. At present, the House parliamentarian is assisted by two deputies, three assistants, and two clerks. The Senate office comprises the parliamentarian, the associate and assistant parliamentarians, and the parliamentary assistant.

The responsibilities of the two offices are similar and derive from the need of Representatives and Senators, and their staffs, for access to confidential and nonpartisan expertise to help them understand the intricacies of the legislative process that governs their activities. The parliamentarians and their assistants/deputies make their authoritative knowledge available to all members on the floor during plenary sessions and from their offices at all other times.

The most visible service that each office provides is in advising the Member presiding over House or Senate plenary sessions as to the appropriate procedure to be followed, the appropriate way in which to phrase whatever statements the chair needs to make, and the appropriate responses by the chair to parliamentary inquiries and points of order. Whenever the House or Senate is in session, the parliamentarian or one of his deputies/assistants always is present on the floor. In the House, the parliamentarian on duty sits or stands near the right hand of the Member who is presiding. In the Senate, the parliamentarian on duty always is seated at the rostrum immediately below the presiding officer's desk.

Because of the complexity of the legislative procedures that govern the floor sessions of each house, Representatives and Senators have long felt the need for expert professional assistance for all Members, and especially for Members when they are called upon to preside. The parliamentarians and their staffs provide this assistance in several ways. For routine situations and situations that can be anticipated in advance, the office may prepare written guidance for the Members who are presiding to inform them as to what they are expected to say or do to implement the applicable procedures of that house. In other circumstances, the parliamentarians convey their advice verbally to the presiding

Representative or Senator—for example, when that Member needs to respond to a parliamentary inquiry or rule on a point of order.

As a staff official, neither parliamentarian is empowered to make decisions that are binding on the House or Senate. The parliamentarians and their deputies/assistants only offer advice that the presiding Representatives or Senators may accept or reject. However, Members of each house recognize that their respective parliamentarian's advice is authoritative and an accurate reflection of their house's applicable rules, precedents, and well-established legislative practices. For this reason, it would be very unusual for a presiding Member to take a legislative action that is at odds with the parliamentarian's advice. In turn, Representatives or Senators may appeal most decisions that are made by the Members presiding over their floor sessions, and the House or Senate then can vote to reject those decisions. In the House, however, such appeals are rare and, in modern practice, never successful. In the Senate, appeals are more common and more likely to prevail. In some cases, though, the Senate requires a vote of three-fifths of all Senators to reverse on appeal a ruling of its presiding officer that invariably reflects the parliamentarian's advice.

The House and Senate parliamentarians and their deputies/assistants have various other, closely related duties. They refer most measures to committee, acting on behalf of the Speaker of the House or the presiding officer of the Senate and on the basis of House and Senate rules and precedents that define committee jurisdictions. Each office of the parliamentarian also is responsible for maintaining, compiling, and publishing the rules and precedents of its chamber. The publications for which the Senate office is responsible include the *Standing Rules of the Senate*, published periodically, and *Riddick's Senate Procedure*, the one-volume collection of precedents last published in 1992. The House office prepares the biennial editions of the *House Rules and Manual*, additional volumes in the multi-volume compilation of *Deschler-Brown Precedents*, and the one-volume *House Practice: A Guide to the Rules, Precedents and Procedures of the House*.

The parliamentarians and their deputies/assistants in both houses also are available to confer with all Members, and their legislative staffs, about the meaning and application of their house's rules and precedents. For example, Members and staff may consult with the parliamentarian before introducing a bill to gain insight into how that bill might be referred to committee. Members and staff also may seek explanations, either during floor sessions or in preparation for them, about what procedures may be available or invoked during House or Senate consideration of a particular measure, amendment, or motion. Although the office of the parliamentarian is not responsible for providing procedural assistance during House or Senate committee meetings, they can offer insight, in advance or during such meetings, about the interpretation of House or Senate rules that are applicable during committee proceedings.

The House and Senate parliamentarians and their deputies/assistants are charged with providing information and assistance to all Representatives and Senators, and their staffs, on a strictly nonpartisan and confidential basis. Organizationally, the office of the Senate parliamentarian is within the Office of the Secretary of the Senate, whom the Senate elects at the recommendation of the majority leader. The Speaker appoints the parliamentarian of the House. However, the parliamentarians are appointed to serve their chambers as institutions. The services of each office are available to all Members of the House or Senate, without regard to party affiliation or any other consideration.